

## Notice of an application for a planning permit

**Land affected by the application**

10/9 Mirra Court BUNDOORA

**Application reference**

P1071/2024

**Applicant**

The Trustee for Wines by Design Trust

**Responsible Authority**

Banyule City Council

**Application is for a permit to**

- Use of the land to sell liquor (remote seller's packaged liquor licence)
- Service from 8am:5pm Monday to Friday

**Planning Scheme Clause**

Clause 52.27 - Licensed Premises

**Matter for which a permit is required**

Use of land to sell or consume liquor

**Review the application for free**

Scan or visit [banyule.vic.gov.au/PlanningNotices](http://banyule.vic.gov.au/PlanningNotices)

alternatively

Visit during business hours:

**Banyule Council offices Level 3, 1 Flintoff Street, Greensborough VIC 3088**

To discuss this application, call our Planning Department on 9490 4222

**The Responsible Authority will not decide on the application before: 28 January 2025**

Submissions lodged after this date will only be considered if received by Council before a decision is made.

**What are my options?**

You may object or make other submissions in writing if you are affected by the granting of a permit for this application. If you object, we will tell you our decision and options available.

An objection must be:

- made in writing
- include the reasons for the objection
- state how the objector would be affected.

We must make a copy of every objection available at our office for any person to inspect during office hours. You can view the objections for free until the opportunity to seek a review of the decision for this application passes.

# Planning application



Submitted on	31 October 2024, 4:19PM
Receipt number	28
Related form version	5

## Privacy

The *Planning and Environment Act 1987* (Act) requires a range of information to be made available in accordance with the 'public availability requirements' outlined in Section 197(a-h) of the Act.

By using this form, we are collecting your personal information to enable your application to be lodged and assessed as per the planning process and the *Planning and Environment Act 1987*. If you do not provide your name, address and contact details, your application cannot be assessed.

A copy of your application and relevant information must be made available for any person to inspect at our offices, and/or on our website in accordance with Section 51 of the Act. A copy of the application may be provided to other parties for the purpose of consideration as part of the planning process.

Your application, including your name and address, is a public record and will be made available consistent with the inspection requirements outlined in Section 197(a-h) of the Act.

Personal information you provide by completing this form is managed in line with our [privacy policy](#).

## Details

**Do you consent to making your personal details available on your application?**

The land address for this application will be available through our website.

Personal details available on your application include names, addresses, phone numbers and emails.

Call our Privacy Officer on [9490 4222](#) or email [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au) if you need access to your personal information or need to amend it.

## Background

**Have you had a formal meeting with one of our planning officers about this application?**

No

## Property

### The land

**Property 1**

**Address**

10/9 MIRRA COURT BUNDOORA

**ADVERTISED PLAN**  
Application No. P1071/2024

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## Formal property description

### What is the identifier of the property on title?

This distinction can be found on your certificate of title.

Lot number

### Lot number

10

### LP, TP or PS number

LP (lodged plan)

TP (title plan)

PS (plan of subdivision)

PS607128Q

## Existing conditions

### Existing conditions of the land

Describe how the land is used now, for instance, vacant, 3 dwellings, medical center with 2 practitioners, licensed restaurant with 80 seats.

Vacant

## Application type

Zones

IN1Z

Overlays

DCPO1

### This application is seeking a permit:

Selections influence the application fee payable

for a liquor licence (class 1)

## Proposal

For what use, development or other matter is a permit needed? Transfer liquor licence from different location

Are any protected trees proposed for removal? No

Are trees on adjoining properties to be impacted? No

## Cost of proposal

Difference in cost:

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## Upload plans and documentation

### Upload title

Provide a current title, not older than 90 days from today's date for each parcel of land associated with this application. Each title is to include a registered search statement and plan of subdivision.

[00746969200012024102421100001.pdf](#)  
[00746969200122024102421100001.pdf](#)

Does the proposal breach, in any way, a restriction or

No

encumbrance on the title?

**Upload title restrictions**

For instance, a copy of any Section 173 agreements and any restrictive covenants.

[00746969200012024102421100001.pdf](#)

**Upload planning report**

This report explains how the development responds to the relevant planning policies. It also includes: a neighbourhood character assessment, a response to our [Liveable Housing Guidelines](#) and where applicable a Clause 55 (ResCode) assessment.

[WBD Application.pdf](#)

**Upload architectural plans**

Architectural drawings are essential to this application and typically include neighbourhood and site description, materials schedule, floor plans, elevations and shadow diagrams. Drawings must be drawn to scale showing the location and dimensions of all existing and proposed buildings, including car parking areas.

[Mirra Crt Red Line Plan.jpg](#)

## Other documents

### Documentation based on the project details

The plans and reports for uploading in this section are important based on the details about this project.

**By uploading the plans and reports itemised, it's likely your application will benefit from a streamlined review**, without the delay of us asking for further information.

**Upload red-line plan**

[Mirra Crt Red Line Plan.jpg](#)

**Upload any other documentation**

[WBD Application.pdf](#)  
[WBD Liquor Licence 2024.pdf](#)

## Fees

**Fee unit value** 16.33

As set by the Victorian Government [Department of Treasury and Finance](#).

**Subtotal for change of use** \$1453.40

**Subtotal for a dwelling and assoc. buildings and works** \$0.00

**Subtotal for other developments** \$0.00

**Subtotal for SubDiv Class 17** \$0.00

**Subtotal for SubDiv Class 18** \$0.00

**Subtotal for SubDiv Class 19** \$0.00

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**Subtotal for SubDiv Class 20** \$0.00

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**Subtotal for SubDiv Class 21** \$0.00

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**Subtotal for types of permits not in regs** \$0.00

**Combined fee test subdivision**

0 = single subdivision fee class applies  
1 = multiple subdivision fee classes apply

1

**Combined fee test overall**

0 = single application fee only  
1 = combined fees apply

0

**Multiple fee classes apply to this application.** The primary fee is applied in full. In addition, only 50% of all other applicable fees apply. The total is referred to as the Application fee.

**Application fee**

\$1453.40

Total fee payable in full when you submit this application.

## Organisation

**Is the applicant an organisation?**

Yes

**ABN**

57397563789

## Applicant details

**Organisation name**

The Trustee for Wines by Design Trust

**Email address**

ross@winesbydesign.com.au

**Phone number**

0433513000

**Postal address**

22 Orthla Ave Heidelberg West VIC 3081

Full postal address including suburb and postcode

**Is the contact the same as the applicant?**

Yes

**Is the owner the same as the applicant?**

Yes

## Declaration

**I understand and accept:**

information provided in this form, including plans and personal information will be publicly available, including online, as part of the planning process in accordance with the Planning and Environment Act 1987

copies may be made for interested parties as part of the planning process in accordance with the Planning and Environment Act 1987

**I declare that:**

all information provided in this application is true and correct  
Application No. P1071/2024  
the owner has been notified of this application.

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## Payment

**Confirm who will pay the \$1453.40 application fee?**

Applicant or consultant

Name to feature on receipt

Wines By Design PTY LTD ATF Wines By Design Trust

**Total amount due**

In case a refund is processed, funds will only be returned to the original card charged for payment.

**Amount: \$1,453.40**

**Transaction ID:** 48213998547

**Payment gateway:** BPoint General Ledgers - BPoint

GST exempt

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

Page 1 of 1

VOLUME 11062 FOLIO 001

Security no : 124119315154T  
Produced 25/10/2024 08:10 AM**LAND DESCRIPTION**

Lot 10 on Plan of Subdivision 607128Q.  
PARENT TITLE Volume 08633 Folio 799  
Created by instrument PS607128Q 10/04/2008

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
TORB INVESTMENTS PTY LTD of 22 LAUREL HILL DRIVE ELTHAM NORTH VIC 3095  
AV717146U 08/06/2022

**ENCUMBRANCES, CAVEATS AND NOTICES**

COVENANT D662742

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE PS607128Q FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: UNIT 10 9 MIRRA COURT BUNDOORA VIC 3083

**OWNERS CORPORATIONS**

The land in this folio is affected by  
OWNERS CORPORATION 1 PLAN NO. PS607128Q

DOCUMENT END

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Application No. P1071/2024

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Document Type	<b>Plan</b>
Document Identification	<b>PS607128Q</b>
Number of Pages (excluding this cover sheet)	<b>4</b>
Document Assembled	<b>25/10/2024 08:10</b>

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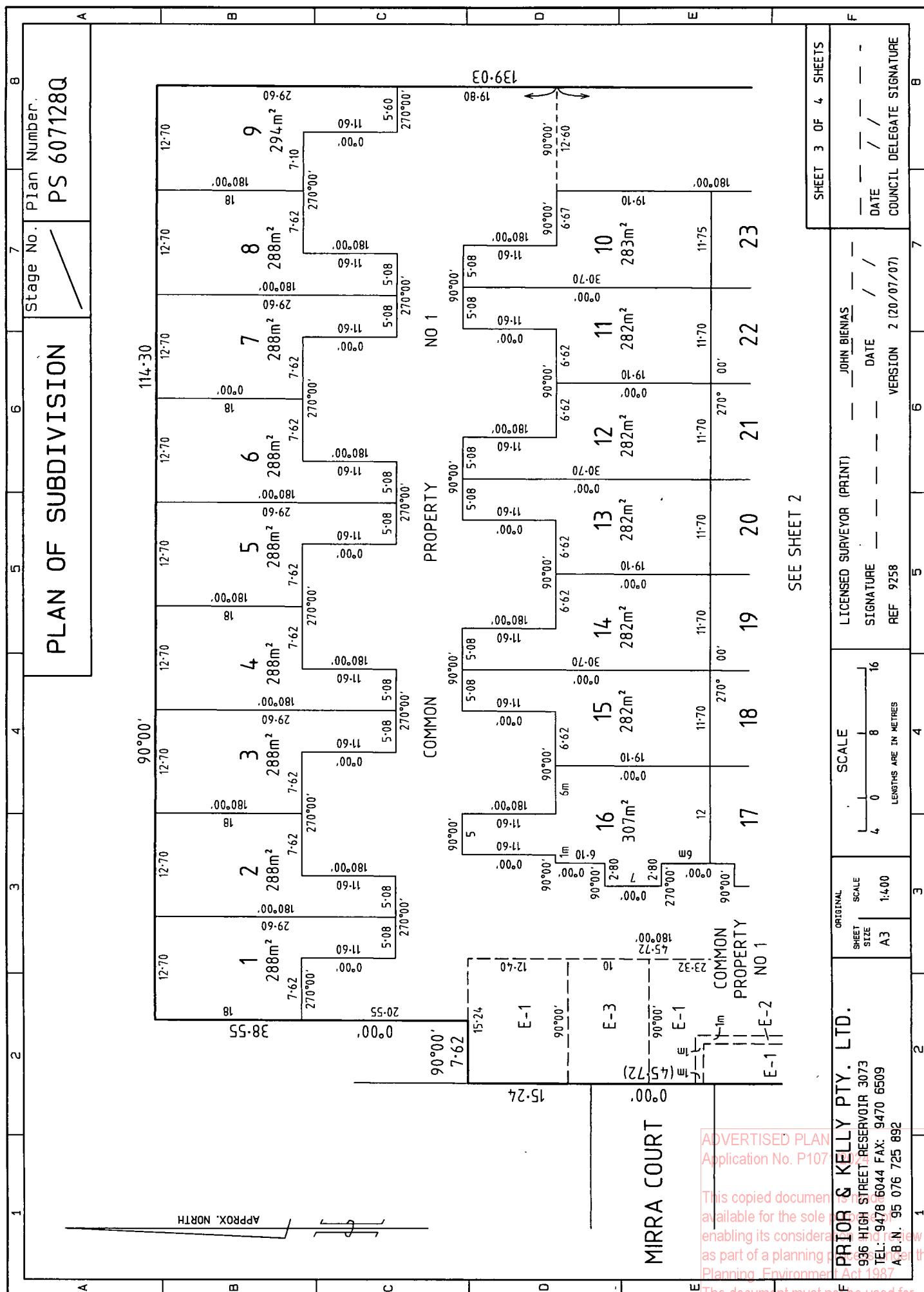
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ADVERTISED PLAN  
Application No. P1071/2024

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PLAN OF SUBDIVISION			Stage No. /	LR use only EDITION 1	PS 607128Q	
<b>Location of Land</b> Parish: KEELBUNDORA Township: Section: Crown Allotment: Crown Portion: 16 (PART)  LV base record: VIMAP DIGITAL PROPERTY Title References: VOL 8633 FOL 799			<b>Council Certification and Endorsement</b> Council Name: CITY OF BANYULE Ref: C73/07 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. <del>This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6 / /</del> 3. <del>This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</del> <b>Open Space</b> (i) A requirement for public open space under section 18 Subdivision Act 1988 has / has not been made. (ii) The requirement has been satisfied. <del>(iii) The requirement is to be satisfied in stage</del> Council Delegate <del>Council seal</del> Date 26/12/08 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council seal Date / / <b>Vesting of Roads or Reserves</b> Identifier Council/Body/Person NIL NIL			
			<b>Notations</b> <b>Staging</b> This is not a staged subdivision Planning Permit No. <b>Depth Limitation:</b> DOES NOT APPLY			
THE COMMON PROPERTY No 1 IS ALL THE LAND IN THE PLAN EXCEPT LOTS 1 TO 30						
<b>Survey:</b> - This plan is based on survey To be completed where applicable This survey has been connected to permanent marks no (s). In proclaimed Survey Area no.						
<b>Easement Information</b> <b>Legend:</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road) SECTION 12(2) SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THIS PLAN					LR use only Statement of Compliance / Exemption Statement  Received <input checked="" type="checkbox"/> Date 1/4/2008	
Easement Reference Purpose Width (Metres) Origin Land Benefited/In Favour Of E-1, E-2, E-3 CARRIAGEWAY SEE C/E F565304 LOT 2 ON LP 97290 E-1, E-2, E-3 CARRIAGEWAY DRAINAGE & SEWERAGE SEE DIAG. LP 127651P LOTS ON LP 127651P E-1, E-2, E-3 SEWERAGE SEE DIAG. THIS PLAN YARRA VALLEY WATER LIMITED E-2 GAS SUPPLY SEE DIAG. C/E U912456G GASCOR E-3 POWER LINE SEE DIAG. THIS PLAN SECTION 88 ELECTRICITY INDUSTRY ACT 2000 SPI ELECTRICITY PTY LTD					LR use only PLAN REGISTERED TIME 4:11 pm DATE 10/4/2008  Assistant Registrar of Titles  ASHEET 1 OF P4 ASHEETS	
PRIOR & KELLY PTY. LTD. 936 HIGH STREET RESERVOIR 3073 TEL: 9478 6044 FAX: 9470 6509 A.B.N. 95 076 725 892			LICENSED SURVEYOR (PRINT) JOHN BIENIAS SIGNATURE _____ DATE 25/7/2007 REF 9258 VERSION 2 (20/07/07) SJC			Application No. P1071/2024  This copied document is made available for the sole purpose of COUNCIL DELEGATE SIGNATURE Enclosed for consideration and review
						Original sheet size A3 Planning Environment Act 1987 The document must not be used for any purpose which may breach any copyright.





ADVERTISED PLAN  
Application No. P107

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as part of a planning application  
under the Planning, Environment and  
Infrastructure Act 1987

**PRIOR & KELLY**  
936 HIGH STREET READING RG1 3AB  
TEL: 0175 8044244 FAX: 0175 8921111  
ABN: 95 076 725 8921  
1

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PS607128Q

**FOR CURRENT OWNERS CORPORATION DETAILS  
SEE OWNERS CORPORATION SEARCH REPORT**

ADVERTISED PLAN  
Application No. P1071/2024

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**Sheet 4**

# Request for further information



Submitted on	27 November 2024, 1:03AM
Receipt number	FIR-1707
External Id	od-planning
External status	11/27/2024 1:06:04 AM
Related form version	10

## Privacy

Your personal information is being collected by Banyule City Council for the purpose of enabling consideration and review of the planning process under the *Planning and Environment Act 1987* (PE Act). It will be used to:

- correspond with you about your permit application;
- if necessary, notify affected parties who may wish to inspect your application so that they can respond; or
- for other directly or reasonably related purposes.

The information you provide will be made available:

- on Council's website during the application public notice period; (if applicable)
- on Council's permit register that is available for inspection at Council's Service Centre at 1 Flintoff Street, Greensborough;
- to any person wishing to inspect your application until the application process is concluded, including any review by the Victorian Civil and Administrative Tribunal, relevant officers within Council and other pertinent Government agencies directly involved in the planning process;
- to persons accessing information in accordance with the *Planning and Environment Act 1987* (PE Act) or the *Freedom of Information Act 1982*.

Without collection of your personal information, Council will not be able to process your application. If you wish to access or alter any of the personal information you have supplied to Banyule City Council, contact the Development Planning team on 9490 4222 or email [enquiries@banyule.vic.gov.au](mailto:enquiries@banyule.vic.gov.au). Refer to Council's Privacy Policy for further information.

Personal information you provide by completing this form is managed in line with our [privacy policy](#).

## Property

If the project spans across multiple lots, and is known by multiple street addresses, provide the main street address.

Address	10/9 MIRRA COURT BUNDOORA
---------	---------------------------

## Permit

Zones	IN1Z	ADVERTISED PLAN Application No. P1071/2024
Overlays	DCPO1	This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the <i>Planning Environment Act 1987</i> .
Select the relevant planning permit reference	P1071/2024	The document must not be used for any purpose which may breach any copyright.

## Amendment

It's important to know when amendments have been made to a planning application.

An amendment may include:

- changes to the use or development mentioned in the application
- changes to the description of land to which the application applies
- changes to any plans and documentation *not* relating to our request for further information.

Is an amendment being made to planning application  
P1071/2024? No

## Documentation

Select the documentation you will attach to this request      Other: Further written information required, updated red line plan

## Other

Attach any other documentation      [WBD Written Response to Banyule Council.pdf](#)  
[Mirra Crt Red Line Plan - Updated 27.11.24.pdf](#)

## Organisation

Is the applicant an organisation? Yes

## Organisation ABN

ABN      57397563789

## Contact

Organisation      The Trustee for Wines by Design Trust

Title      Mr

First name      Ross

Surname      Mitchell

Email address      ross@winesbydesign.com.au

Phone number      0433513000

Postal address      22 Orthla Ave Heidelberg West 3078 VIC

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## Declaration

I understand and accept that this submission will be considered an official response to a request for further information in accordance with Section 54 of the Planning and Environment Act 1987

If only part of the documentation requested is included in this submission, the planning application will lapse if the balance of the request is not provided to us in the timeframe specified on the request

**ADVERTISED PLAN**  
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ABN: 57397563789  
22 Orthla Avenue  
West Heidelberg Vic 3081  
Phone: (03) 9484 9829  
Mobile: +61433513000  
e-mail: sales@winesbydesign.com.au  
Web address: www.winesbydesign.com.au

November 27th, 2024

Dear Thomas,

Please consider this my written response to your email on 26.11.24.

1. My written statement, outlining how the proposal is consistent with the decision guidelines of Clause 52.27 Licensed Premises (remote seller's packaged liquor licence).
  - I believe the application is in compliance with The Municipal Planning Strategy and the Planning Policy Framework.
  - The impact of my liquor operations on the surrounding area will be very minimum to no impact at all. The business does not manufacture liquor in a raw form or sell liquor to customers in person.
  - The business operates in general business hours which are 8am-5pm Monday-Friday. This will have no impact to the surrounding area.
  - The business will have no patrons, therefore have no impact to the surrounding area.
  - There will be no impact on any other licenced premises in the surrounding area as we have a remote sellers licence.

Wines By Design's liquor licence (licence no. 36310877) is a remote sellers liquor licence. The licence states that:

#### TYPE OF LICENCE

This licence is a remote seller's licence and authorises the licensee to supply packaged liquor only when such liquor is ordered by mail, telephone, facsimile transmission or internet.

#### RESTRICTIONS ON SALES

The licensee must not use the above licensed premises to provide for:

- . personal shopping for liquor
- . browsing, liquor stocks or stores
- . the display of liquor for sale
- . the collection of liquor by customers

**ADVERTISED PLAN**  
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We follow these restrictions specified above and never have customers inside our current premises and we will not have customers in our new premises.

2. Regarding your third point in clause 52.27, please see my responses below.

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- Days of operation: Monday-Friday
- Hours of operation: 8am-5pm
- General day to day operations: Printing of packaging, packing alcohol gifts, packing hampers, loading and unloading delivery vehicles and couriers.
- Staff numbers: From January to September, 1 staff. September to November, 2 staff. November to January, 3 staff.
- Staff parking: As we only have 3 staff at any one time, we will use the 3 car parks that belong to our premises.
- How goods are transported: All our goods are dispatched using couriers or occasionally we will deliver directly to our clients using the business vehicle. In terms of goods being delivered to us, all our inwards goods are delivered via couriers. Inwards and outwards goods can be in the form of cartons or pallets.
- Quantity of inwards goods: From January to September, we will have 1-2 inward deliveries of goods per month, this may be as small as 1 carton. In September and October, this will increase to 8-10 deliveries per week, this may vary in size from 1 carton to multiple pallets at a time. In November and December, we will generally have 5-6 inward deliveries per day, again varying in size.
- Quantity of outward goods: From January to September, we will have 1-2 outward deliveries of goods per month, this may be as small as 1 carton. In September and October, this will increase to 3-5 outward deliveries per month, this may vary in size from 1 carton to multiple pallets at a time. In November and December, we will generally have 8-10 outward deliveries per week, again varying in size.
- Anticipated litres of alcoholic production per day: We are not an alcohol manufacturer. We will produce no alcohol. Our business is providing alcohol gifts, and we purchase all of our bottled alcohol already in bottles.

Regarding your fifth point in clause 52.27, I believe that Wines By Design fits the description you provided and my application should be considered as a 'warehouse'.

3. Please see the attached updated red line plan which includes:

- Context of the building
- Internal layout of the building
- Car parking for the premises
- Car access/driveway areas

Ross Mitchell,

Director



ADVERTISED PLAN  
Application No. P1071/2024

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## Context of the building:

A concrete structure surrounded by many other concrete warehouses in 9 Mirra Crt.

